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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,183	02/11/2004	Yoshimasa Nakaya	01-601	1630

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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

BROADHEAD, BRIAN J

ART UNIT PAPER NUMBER

3661

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,183

Applicant(s)

NAKAYA, YOSHIMASA

Examiner

Brian J. Broadhead

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,2 and 4-14 is/are rejected.
7) ☒ Claim(s) 15 and 16 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 3, 4, 6, 8, 9, 10, 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Oesterling et al., 2004/0010358.

3. As per claims 1, 2, 3, 4, 13, and 14, Oesterling et al. disclose vehicle sending means provided in the vehicle for sending, to the data center, individual information pertinent to devices mounted in the vehicle and identification information for identifying the vehicle in paragraph 37; center receiving means provided in the data center for receiving the individual information and the identification information, both of which are sent by the vehicle sending means in paragraph 37; and center storing means provided in the data center for storing the individual information and the identification information, both of which are received by the center receiving means in paragraph 37; center selecting means provided in the data center for selecting the individual information stored by the center storing means based on the identification information in paragraph 43; center sending means provided in the data center for sending, to the vehicle, the individual information selected by the center selecting means in paragraph 43; vehicle

requesting means provided in the vehicle for requesting the data center to send individual corresponding to the identification information for information identifying the vehicle in paragraph 43; vehicle receiving means provided in the vehicle for receiving the individual information sent by the center sending means in paragraph 43; and vehicle notifying means provided in the vehicle for notifying the identification information received by the vehicle receiving means to a user of the vehicle in paragraph 15; vehicle varying means provided in the vehicle for varying setting of the devices based on setting information included in the individual information sent by the center sending means in paragraph 16; wherein the individual information includes setting information including setting of the devices in paragraph 16, and wherein the vehicle sending means sends, to the data center, the individual information each time the setting of the devices is varied in paragraph 37; and each time the individual information is determined to be damaged the vehicle requests the individual information from the center and the center sends it in paragraphs 20, 46, and 50. The determining if the information is damaged is also functional language that the driver would be capable of doing manually.

4. As per claims 6, 8, 9, and 10, Oesterling et al. disclose wherein the setting information includes setting information for a given device whose setting is set based on a physical characteristic of a user of the vehicle in paragraph 2; wherein the setting information for the given device includes position information of a seat of the vehicle in paragraph 2; wherein the setting information for the given device includes angle information of at least one of a room mirror, a fender mirror, and a door mirror of the

vehicle; in paragraph 2; and wherein the setting information includes setting information for a certain device whose setting is set based on a preference of a user of the vehicle in paragraph 2.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oesterling et al., 2004/0010358, in view of Lucy et al., 6759943.

7. Oesterling et al. disclose the limitations as set forth above. Oesterling et al. do not disclose vehicle controlling means provided in the vehicle for controlling states of a door lock of the vehicle when a given identification code is received from a unit held by a user of the vehicle and the setting information includes the given identification code. Lucy et al. teach vehicle controlling means provided in the vehicle for controlling states of a door lock of the vehicle when a given identification code is received from a unit held by a user of the vehicle and the setting information includes the given identification code59-65, on column 3. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the remote unit of Lucy et al. in the invention of Oesterling et al. because such modification would allow the customized features to be downloaded and adjusted when the user unlocks the door.

8. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oesterling et al., 2004/0010358, in view of Yester, 20030078709.

9. Oesterling et al. disclose the limitations as set forth above. Oesterling et al. do not disclose controlling suspension and engine settings. Yester discloses controlling suspension and engine settings in paragraph 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to features of Yester in the invention of Oesterling because discloses adjusting any personalization setting that is available.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oesterling et al., 2004/0010.

11. Oesterling et al. disclose the limitations as set forth above. Oesterling et al. do not disclose controlling steering position. Official notice is taken that personalizing steering and storing the positions is known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to control steering position in the invention of Oesterling because discloses adjusting any personalization setting that is available.

Allowable Subject Matter

12. Claims 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose determining the information is damaged by a parity check or a CRC method.

Response to Arguments

14. Applicant's arguments filed 7-7-05 have been fully considered but they are not persuasive. The argument that the prior art do not account for damaged individual information settings is not convincing as shown by the rejections above. Oesterling et al. disclose recovering setting in paragraphs 20, 46 and 50. Ohki et al., US 6,830,123, has been provided to support the official notice taken with respect to claim 7. On lines 19-28, on column 1, Ohki et al. disclose that storing personalized steering position is known in the art.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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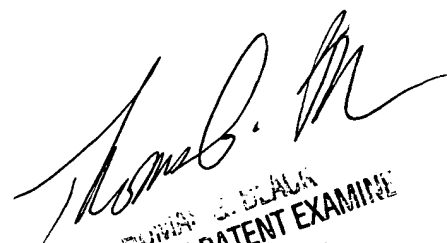
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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